

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE: *Just For Men® Mass Tort Litigation*

**Case No. 3:16-cv-00638-DRH
Master Docket – In Re: *Just For
Men® Mass Tort Litigation***

This Document Relates to:

ALL Just for Men® Mass Tort Cases

CASE MANAGEMENT ORDER NO. 2

Appointing Leadership Positions

HERNDON, District Judge:

The Court having considered Plaintiffs' Unified Motion for Appointment of Plaintiffs' Leadership Structure and having considered the experience of each applicant as set forth therein, as well as taking into account this Court's own experience with certain applicants who have appeared in other complex cases in this Court, the Court hereby appoints the following Plaintiffs' counsel to leadership positions:

I. Plaintiffs' Leadership Counsel¹

1. Executive Committee

Richard W. Schulte, Co-Lead Counsel
Wright & Schulte
865 S. Dixie Drive
Dayton, OH 45377
rschulte@yourlegalhelp.com

Roger C. Denton, Co-Lead Counsel
Schlichter, Bogard & Denton, LLP
100 South Fourth Street, Suite 1200
St. Louis, MO 63102
rdenton@uselaws.com

John J. Driscoll, State-Federal Coordination Counsel
The Driscoll Firm P.C.
One Metropolitan Square
211 N. Broadway
40th Floor
St. Louis, MO 63102
john@thedriscollfirm.com

2. Liaison Counsel

Kristine K. Kraft
Schlichter, Bogard & Denton, LLP
100 South Fourth Street, Suite 1200
St. Louis, MO 63102
kkraft@uselaws.com

3. Steering Committee

Joseph Osborne
Osborne & Associates
Mizner Park Office Plaza North
433 Plaza Real Blvd. Suite 271
Boca Raton, FL 33432
josborne@oa-lawfirm.com

¹ As used herein, the term "Plaintiffs' Leadership Counsel" shall include the Executive Committee, Liaison Counsel, and the Steering Committee.

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II. Responsibilities of the Executive Committee and Liaison Counsel

Executive Committee will be charged with directing the litigation on behalf of all Plaintiffs and to assign and monitor the work of the Steering Committee. In addition, the Executive Committee will explore, develop and pursue all settlement options pertaining to any claim or portion thereof of any case filed in this litigation. The Executive Committee is also charged with determining the amount of capital contributions from the steering committee. The Executive Committee is also charged with determining the amount of capital contributions from the steering committee and with making recommendations to the Court on the

common benefit fees. Decisions of the Executive Committee shall be made by majority vote of the Executive Committee members.

Co-Lead Counsel shall have the duty and authority to speak on behalf of all Plaintiffs with respect to Defense Counsel and the Court and to negotiate and enter into stipulations with Defendants regarding this litigation.

State-Federal Coordination Counsel will be charged with reporting to this Court on all activity in state court jurisdictions and facilitate state court coordination with this Court.

Liaison Counsel will coordinate administrative matters and communications with the Court's Staff, the District Clerk's Office and the Court, and will submit agendas for court conferences. Liaison Counsel will also be charged with creating a PSC checking account for shared common benefit expenses and with creating a method to track time and common benefit expenses among the leadership group. With regard to the Master Docket, Liaison Counsel shall serve as the recipient for all pleadings and Court orders as well as file all pleadings on behalf of all plaintiffs. In addition, Liaison Counsel will provide all plaintiffs' counsel with pleadings and other matters docketed in the Master Docket via email.² In addition Plaintiffs' Liaison Counsel shall establish a document depository, real or virtual, to be available to all participating Plaintiffs' counsel; and carry out such other duties as the Court may order.

² All interested counsel are Ordered to provide current and updated contact information to Liaison Counsel.

III. Responsibility of Plaintiffs Steering Committee

Plaintiffs' Steering Committee at the direction of the Executive Committee and/or Liaison Counsel shall have the following responsibilities:

- a. Initiate, coordinate, and conduct pretrial discovery on behalf of Plaintiffs in the consolidated litigation.
- b. To retain necessary consulting and testifying expert witnesses on behalf of all Plaintiffs.
- c. Submit and argue all verbal or written motions presented to the Court on behalf of all Plaintiffs as well as oppose when necessary any motions submitted by Defendants.
- d. Work with the Executive Committee and Liaison Counsel to coordinate with Plaintiffs' Steering Committee, to schedule meetings, telephone conferences, appearing at periodic Court noticed status conferences (if requested).
- f. Perform other functions that may be expressly authorized or directed by further Court Orders.

IV. Personal Nature of Appointment

The appointment to Plaintiffs' Leadership Counsel is of a personal nature. Accordingly, the above appointees cannot be substituted by other attorneys, including attorneys of the appointee's law firm, to perform the exclusive functions of Plaintiffs' Leadership Counsel, such as committee meetings and court appearances, except without prior Court approval.

V. Defendants' Counsel

The Court **APPOINTS** attorney Stephen G. Strauss as Lead Counsel and Liaison Counsel for Defendants.

VI. Lastly, The Court directs the Clerk of the Court to:

1. Revise the Master Docket to identify Plaintiffs' Co-Lead and Plaintiffs' Liaison Counsel and Defendants' Lead Counsel and Liaison Counsel as the only counsel of record for the Master Docket Case No. 3:16-cv-00638-DRH.
2. Ensure that Plaintiffs' Co-Lead and Plaintiffs' Liaison Counsel are identified as Counsel of Record in current and later filed individual member actions.

SO ORDERED:

A circular seal of the United States District Court for the Southern District of Florida. It features an eagle with spread wings, holding an olive branch and arrows, with a shield on its chest. The words "UNITED STATES DISTRICT COURT" are at the top and "SOUTHERN DISTRICT OF FLORIDA" are at the bottom. A signature "David R. Herndon" is written over the seal.

Digitally signed by

Judge David R.
Herndon

Date: 2016.07.05
11:42:00 -05'00'

Date: July 5, 2016

United States District Court